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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jacques Orban

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EXAMINER

BOMAR, THOMAS S

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,730	Applicant(s) ORBAN ET AL.	
	Examiner Shane Bomar	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16-19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the dark shading that appears to be from copying or faxing the drawings, which makes it difficult to make out certain aspects of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 4, 16, 20, and 23 are objected to because of the following informalities:
- a. in claim 1, there is a period at the end of the next to last line that should be a semicolon, and the recitation of "from band of metal" should be --from a band of metal;

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- b. in claim 4, either the first line in the body of the claim should be removed (to avoid redundancy), or the first line should be reworded as --the step of constructing the tubular at the downhole location from the band of metal comprising--;
- c. in claim 16, near the end of the claim, the word “tubular” should end with a semicolon, not a period;
- d. in claim 20, the second recitation of “the drilling machine” should be removed from the preamble since it is redundant, and the end of the claim should end with a period; and
- e. in claim 23, it is suggested that the recitation of “positioning means” be changed to --a second (or additional) positioning means-- to clarify that it is different than, or additional to, the positioning means of claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11, 12, 16-19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2001/0047871 of Johnson et al (also see US 6,675,901 that is the equivalent US patent and has clearer drawings).

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Regarding claims 1, 16, and 23, Johnson et al disclose a method, drilling machine, and system for constructing a lateral hole (107) departing from a main well at a determined depth, the lateral hole having a direction of elongation forming a determined angle with the main well, the method comprising: positioning a drilling machine (102) at the determined depth in the main well; drilling the lateral hole departing from a wall of the main well, in substantially the direction of elongation forming the determined angle with the main well, using the drilling machine (102); constructing a tubular (11) for the lateral hole at a downhole location from a band of metal (10), said band of metal being taken from a storage location and wrapped so as to form the tubular; positioning the constructed tubular into the lateral hole (107), and positioning the drilling means (102) with the positioning means (105). See Figures 9 and 14-16, and paragraphs 0047 and 0055-0060.

Regarding claims 2 and 17, the method of claim 1 further comprising: positioning the constructed tubular (11) into the lateral hole (107) during the drilling; connecting a drill bit (104) at an end of the constructed tubular (11); and using the constructed tubular (11) as a drill string to drill the lateral hole (107). See figures 9 and 14, and paragraph 0047.

Regarding claim 3, wherein the direction of elongation is substantially perpendicular to a longitudinal direction of the main well (see figures 14 and 16; especially figure 16 wherein the end of the lateral is clearly substantially perpendicular).

Regarding claims 4, 5, 7, 8, and 18, the construction of the tubular comprises unwrapping the band of metal (10) from a storage roll (132); wrapping the band of metal (10) following a spiral to obtain the tubular, wherein the storage roll (132) is stored downhole (Figs. 14 and 15; paragraphs 0055-0060).

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Regarding claim 6, the storage roll can be stored at the surface (Fig. 16).

Regarding claims 9 and 11, the wrapped band is jointed by permanent plastic lip pressing (Figs. 1 and 2; paragraph 0033).

Regarding claims 12 and 24, a strippable slotted liner (11) in the lateral hole, the strippable slotted liner allowing a communication between the lateral hole and a reservoir (which the borehole is being drilled to access) along a zone of communication with the reservoir; pumping means to pump a cement fluid 36 behind the tubular (11) along a determined portion of the tubular (11), the determined portion of the tubular being distinct from the zone of communication with the reservoir (see Fig. 3 and paragraph 0040, wherein it is stated that the cement can be used to isolate different zones).

Regarding claims 19, 21, and 22, the reserve of material is stored in the drilling machine (108); the reserve of material comprises an active rolled band of metal (10), the active rolled band of metal (10) being oriented in a direction substantially perpendicular to a longitudinal direction of the main well; the drilling machine (108) further comprises: a motor (132) to generate a rotation force; a pushing system (102) to generate an axial force; a short shaft (not shown, but must exist to hold at least the rollers) that is bended between the active rolled band of metal (10) and the constructed tubular (11), the short shaft transmitting the rotation force and the axial force to the drill bit (104); a guidance system in the form of guidance rollers to guide the short shaft (Figs. 9, 14, and 15; paragraphs 0047 and 0055-0060).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al in view of US 5,074,943 of Menzel.

Johnson et al teach that the wrapped band of metal is jointed, such as by press fitting. However, it is not specifically taught the jointing is by spot welding.

Menzel teaches a wrapped band of metal that is jointed, such as by press fitting, similar to that of Johnson et al. It is further taught that welding is another obvious variant of press fitting for performing the jointing of the wrapped metal band (col. 5, lines 36-42). Thus, at the time of the invention, it would have been obvious to one of ordinary skill in the art to replace the press fitting jointing of Johnson et al with the welding of Menzel since the two types of jointing are

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simple obvious variants of one another, and will lead to the predictable result of holding the joints together.

Allowable Subject Matter

8. Claims 13-15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record on form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is (571)272-7026. The examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shane Bomar/

Primary Examiner, Art Unit 3676